

DISCLAIMER

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JOINT PETITION OF

NUI CORPORATION,
VGC ACQUISITION, INC.,
and
VIRGINIA GAS COMPANY

CASE NO. PUA000079

For approval of agreement
and plan of merger under
Chapter 5 of Title 56
of the Code of Virginia

HEARING EXAMINER'S RULING

February 27, 2001

On February 22, 2001, H. Odell Minnix, Chairman of the Roanoke County Board of Supervisors, and Protestant Andrew Gentiluomo filed letters with the Commission requesting a continuance of the filing deadline in the captioned proceeding. Specifically, Messrs. Minnix and Gentiluomo request additional time to review and to respond to the collocation analysis filed by Virginia Gas Pipeline Company.

The time frame in this proceeding is guided by Virginia Code § 56-88.1 which states in part:

The Commission shall, after the filing of a completed application, approve or disapprove the requested acquisition or disposition within sixty days. The sixty-day period may be extended by Commission order for a period not to exceed an additional 120 days. The application ***shall be deemed approved*** if the Commission fails to act within sixty days or any extended period ordered by the Commission. (emphasis added).

The Commission by its November 15, 2000, order has already granted an extension of time. The requests were received by the Commission after the record was closed and my report was filed. I believe the concerns cited by Messrs. Minnix and Gentiluomo were addressed in the report. Further, if the Commission granted an extension of time in the proceeding, it would jeopardize meeting the deadlines imposed by Va. Code § 56-88.1. I therefore find the requests for extensions of time should be and are hereby ***denied***.

Alexander F. Skirpan, Jr.
Hearing Examiner